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on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-first session
3-14 August 1992

PROVISIONAL AGENDA AND ANNOTATIONS

Note by the Secretary-General

1. The forty-first session of the Committee on the Elimination of Racial Discrimination will be held at the United Nations Office at Geneva from 3 to 14 August 1992. The 1st meeting of the session will be convened at 10.30 a.m. on Monday, 3 August.

2. The Committee normally holds two regular sessions annually of three weeks' duration each. The present summer session, which was scheduled to take place from 3 to 21 August 1992, has been curtailed to a two-week session owing to the critical financial situation arising from the non-fulfilment by a number of States parties of their financial obligations under the Convention. The spring session, which had been scheduled to meet in Geneva from 2 to 20 March 1992, was also cancelled for the same reason.

3. This document contains the provisional agenda for the forty-first session of the Committee, prepared by the Secretary-General in accordance with rule 6 of the rules of procedure, together with annotations relating thereto.

4. The attention of States parties is drawn, in particular, to the annotations to item 7, which contain the tentative timetable for consideration of reports submitted by States parties under article 9 of the Convention.

5. In accordance with rule 64 of the rules of procedure, the representatives of the States parties are invited to be present at the meetings of the Committee when their reports are examined.

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PROVISIONAL AGENDA

1. Opening of the session by the representative of the Secretary-General.

2. Solemn declaration by the newly elected members of the Committee under rule 14 of the rules of procedure.

3. Election of officers.

4. Adoption of the agenda.

5. Action by the General Assembly at its forty-sixth session:

   (a) Annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention (General Assembly resolution 46/83);

   (b) Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (General Assembly resolution 46/111).

6. Submission of reports by States parties under article 9, paragraph 1, of the Convention.

7. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention.

8. Consideration of communications under article 14 of the Convention.

9. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention.

10. Second Decade to Combat Racism and Racial Discrimination.

11. Preparatory activities relating to the World Conference on Human Rights.

12. Report of the Committee to the General Assembly at its forty-seventh session under article 9, paragraph 2 of the Convention.

ANNOTATIONS TO THE PROVISIONAL AGENDA

1. Opening of the session by the representative of the Secretary-General

The forty-first session of the Committee will be opened by the representative of the Secretary-General, who will preside over the meeting until the election of the Chairman of the Committee.

2. Solemn declaration by the newly elected members of the Committee under rule 14 of the rules of procedure

In accordance with rule 14 of the rules of procedure, the nine members of the Committee elected or re-elected at the Fourteenth Meeting of the States parties to the Convention, held on 15 January 1992, will make the following solemn declaration:

"I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Elimination of Racial Discrimination honourably, faithfully, impartially and conscientiously."

3. Election of officers

In accordance with article 10, paragraph 2, of the Convention and rules 15 and 16 of the rules of procedure, the Committee shall elect from among its members a Chairman, three Vice-Chairmen and a Rapporteur. The officers of the Committee shall be elected for a term of two years.

Under rule 58 of the rules of procedure, elections shall be held by secret ballot, unless the Committee decides otherwise in the case of election to fill a place for which there is only one candidate.

4. Adoption of the agenda

Under rule 8 of the rules of procedure, the adoption of the agenda of any session shall follow the election of officers when required under rule 15. In accordance with rule 9, the Committee may revise the agenda during a session and may, as appropriate, add, defer or delete items.

5. Action by the General Assembly at its forty-sixth session

(a) Annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention (General Assembly resolution 46/83)

Following a request made by the Committee at its seventh session in 1973, this item is included yearly on the Committee's provisional agenda.

Pursuant to article 9, paragraph 2, of the Convention, the annual report of the Committee, covering its activities during the thirty-ninth and fortieth sessions, was submitted to the General Assembly at its forty-sixth session.

The report was considered by the Third Committee jointly with a number of other items, at its 3rd to 12th, 20th, 40th and 49th meetings, held respectively from 7 to 11 and on 14, 15 and 23 October and 13 and 25 November 1991. The views expressed by the representatives of the member States on the report are reflected in the summary reports of those meetings (A/C.3/46/SR.3-12, 20, 40 and 49).

On recommendation of the Third Committee, the General Assembly adopted, on 16 December 1991, its resolution 46/83, entitled "Report of the Committee on the Elimination of Racial Discrimination".

(b) Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (General Assembly resolution 46/111)

During the forty-sixth session of the General Assembly, this item was considered by the Third Committee jointly with a number of other items, at its 39th to 43rd, 49th, 53rd and 55th meetings, held respectively from 12 to 18 and on 25, 27 and 29 November 1991. The views expressed by the representatives of the member States on the report are reflected in the summary reports of those meetings (A/C.3/46/SR.39-43, 49, 53 and 55).

On recommendation of the Third Committee, the General Assembly adopted, on 17 December 1991, its resolution 46/111, entitled "Effective implementation of international instruments on human rights", by which it decided, inter alia, to invite the States parties to the International Convention on the Elimination of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to consider, as a matter of priority, all possibilities for putting arrangements for meeting the costs of implementing these treaties on a viable, guaranteed basis, including by considering possible amendment to the funding provisions of these treaties.

On 17 December 1991, the General Assembly adopted its decision 46/429 by which it decided, inter alia, to request the meeting of States parties to the Convention to consider at their meeting in January 1992 the proposal by the Government of Australia to amend article 8, paragraph 6, of the Convention and to add a new paragraph 7 to ensure that full funding for the work of the Committee on the Elimination of Racial Discrimination is provided from the regular budget of the United Nations. The Fourteenth Meeting of States parties to the Convention decided on 15 January 1992 to amend article 8 as proposed. The amendment will enter into force when it has been approved by the General Assembly and, thereafter, accepted by a two-thirds majority of States parties.

Accordingly, for its consideration of item 5 (a) and (b) of the provisional agenda, the Committee will have before it the following documents:

(a) Report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (A/46/503);

(b) Report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination (A/46/447);

(c) Report of the Secretary-General examining the financial, legal and other implications of providing full funding for the operation of all human rights treaty bodies (A/46/650);

(d) Statement submitted by the Secretary-General on the programme budget implications of draft resolutions A/C.3/46/L.41 and A/C.3/46/L.42 and draft decision A/C.3/46/L.47 (A/C.3/46/L.66);

(e) Relevant summary records of the Third Committee (A/C.3/46/SR.3-12, 20, 39-43, 49, 53 and 55);

(f) Reports of the Third Committee (A/46/718 and A/46/721 and Add.1);

(g) General Assembly resolutions 46/83 and 46/111 and decision 46/429;

(h) Note by the Secretary-General on the provision of sufficient resources to ensure the effective functioning of the Committee on the Elimination of Racial Discrimination (CERD/SP/43);

(i) Note by the Secretary-General on the consideration of the request for revision of article 8, paragraph 6, of the International Convention on the Elimination of Racial Discrimination (CERD/SP/44);

(j) Summary records of the Fourteenth Meeting of the States parties to the International Convention on the Elimination of Racial Discrimination (CERD/SP/SR.22-23).

In addition, the Committee will have before it, under this item, Commission on Human Rights resolution 1992/15, which is of direct relevance to the work of the Committee on the Elimination of Racial Discrimination.

6. Submission of reports by States parties under article 9, paragraph 1, of the Convention

At its forty-first session, the Committee will have before it a note by the Secretary-General concerning the status of submission of reports by States parties in accordance with article 9 of the Convention (CERD/C/228). As may be noted from part A of that document, reports received from 15 States parties are pending consideration by the Committee. Part B of the document contains information relating to overdue reports.

Under article 9, paragraph 2, of the Convention and pursuant to rule 67, paragraph 3, of its rules of procedure, the Committee may make suggestions and general recommendations based on the examination of the reports and information received from States parties. At its fortieth session, the Committee decided that it would consider, at its forty-first session, a draft general recommendation proposed by one of its members concerning the establishment of national human rights bodies by States parties pursuant to

article 14 of the Convention. Additionally, another member indicated at the Committee's fortieth session that he would prepare a draft general recommendation concerning the problem of indirect discrimination for the Committee's consideration at its forty-first session.

7. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

The following timetable for consideration of reports submitted by States parties at the forty-first session has been drawn up by the Secretary-General, in consultation with the Chairman, taking into account the relevant decisions taken by the Committee at its fortieth session.

In pursuance of established practice and in conformity with rule 64 of the rules of procedure, the Secretary-General has informed the States parties concerned of the tentative dates on which their respective reports are scheduled for consideration by the Committee, as follows:

Timetable for consideration of reports of States parties

Monday, 3 August 1992	
Belgium	Fifth, sixth, seventh and eighth periodic reports, due in 1984, 1986, 1988 and 1990 respectively, submitted in one document (CERD/C/194/Add.3)
Tuesday, 4 August 1992	
Ghana	Tenth and eleventh periodic reports, due in 1988 and 1990 respectively, submitted in one document (CERD/C/197/Add.7)
Costa Rica	Tenth and eleventh periodic reports, due in 1988 and 1990 respectively, submitted in one document (CERD/C/197/Add.8)
Greece	Eighth, ninth, tenth and eleventh periodic reports, due in 1985, 1987, 1989 and 1991 respectively, submitted in one document (CERD/C/210/Add.1)
Wednesday, 5 August 1992	
Ecuador	Eleventh periodic report due in 1991 (CERD/C/197/Add.9) and twelfth periodic report due in 1992 (CERD/C/226/Add.1)
Bangladesh	Fifth and sixth periodic reports due in 1988 and 1990 respectively, submitted in one document (CERD/C/192/Add.3)

Thursday, 6 August 1992

Colombia	Fifth periodic report due in 1990 (CERD/C/191/Add.1)
Maldives	Third and fourth periodic reports, due in 1989 and 1991 respectively, submitted in one document (CERD/C/203/Add.1)
Chile	Ninth and tenth periodic reports, due in 1988 and 1990 respectively, submitted in one document (CERD/C/196/Add.1)

Friday, 7 August 1992

Yemen	Ninth and tenth periodic reports, due in 1989 and 1991 respectively, submitted in one document (CERD/C/209/Add.2)
Austria	Ninth and tenth periodic reports, due in 1989 and 1991 respectively, submitted in one document (CERD/C/209/Add.3)
Republic of Korea	Seventh periodic report due in 1992 (CERD/C/221/Add.1)

Monday, 10 August 1992*

Somalia	Second, third and fourth periodic reports, submitted in one document (CERD/C/88/Add.6) on 31 July 1984 and considered at the 728th meeting on 6 August 1985 (CERD/C/SR.728)
Cape Verde	Second periodic report (CERD/C/86/Add.4) submitted on 1 August 1983 and considered at the 662nd and 663rd meetings on 13 and 14 August 1984 (CERD/C/SR.662-663)
Lesotho	Sixth periodic report (CERD/C/90/Add.2) submitted on 2 September 1982 and considered at the 608th meeting on 14 August 1983 (CERD/C/SR.608)

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* At its fortieth session, the Committee decided to continue to review the implementation of the Convention in States parties whose reports are excessively overdue on the basis of the last reports submitted by the country concerned and the consideration of those reports by the Committee (see A/46/18, para. 27). The review of the implementation of the Convention in the 13 States parties scheduled for Monday, 10 August 1992 will be undertaken on this basis.

Monday, 10 August 1992 (continued)

Saint Vincent and the Grenadines	Initial report (CERD/C/85/Add.1) submitted on 18 August 1983 and considered at the 652nd meeting on 6 August 1984 (CERD/C/SR.652)
El Salvador	Initial and second periodic reports, submitted in one document (CERD/C/86/Add.3) on 11 July 1983 and considered at the 659th meeting on 12 August 1984 (CERD/C/SR.659)
Papua New Guinea	Initial report (CERD/C/101/Add.4) submitted on 16 August 1983 and considered at the 666th meeting on 15 August 1984 (CERD/C/SR.666)
Zambia	Second, third, fourth, fifth and sixth periodic reports, submitted in one document (CERD/C/106/Add.1) on 22 December 1982 and considered at the 634th and 635th meetings on 15 and 18 July 1983 (CERD/C/SR.634-635)
Solomon Islands	Initial reports (CERD/C/101/Add.1) submitted on 2 February 1983 and considered at the 635th and 636th meetings on 18 July 1983 (CERD/C/SR.635-636)
Botswana	Third, fourth and fifth periodic reports, submitted in one document (CERD/C/105/Add.1) on 29 April 1983 and considered at the 654th meeting on 7 August 1984 (CERD/C/SR.654)
Lao People's Democratic Republic	Third, fourth and fifth periodic reports, submitted in one document (CERD/C/105/Add.4) on 19 June 1984 and considered at the 707th, 708th and 709th meetings on 8 and 11 August 1985 (CERD/C/SR.707-709)
Viet Nam	Initial report (CERD/C/101/Add.5) submitted on 14 December 1983 and considered at the 677th and 678th meetings on 7 and 8 August 1984 (CERD/C/SR.677-678)
Burkina Faso	Fourth and fifth periodic reports (CERD/C/105/Add.5) submitted on 27 June 1984 and considered at the 711th meeting on 12 August 1985 (CERD/C/SR.711)

Monday, 10 August 1992 (continued)

Bolivia	Fifth, sixth and seventh periodic reports (CERD/C/107/Add.1) submitted on 27 June 1983 and considered at the 658th meeting on 9 August 1984 (CERD/C/SR.658)

8. Consideration of communications under article 14 of the Convention

In accordance with the provisions of chapter XVIII of its rules of procedure, the Committee will consider under this item communications which are or appear to be submitted to it under article 14 of the Convention.

In accordance with rule 88 of the rules of procedure, the meetings of the Committee during which communications under article 14 of the Convention are examined shall be closed.

9. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention

Under this item, the Committee will have before it a note by the Secretary-General (CERD/C/229) concerning article 15 of the Convention and listing, as appropriate, copies of petitions, reports and working papers relating to the Trusteeship Council and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

10. Second Decade to Combat Racism and Racial Discrimination

At its 695th meeting (thirtieth session) in August 1984, the Committee decided to keep this item on its agenda throughout the Second Decade and requested the Secretary-General to keep it informed of the relevant activities which would be undertaken in accordance with the Programme of Action for the Second Decade.

The Secretary-General, pursuant to a General Assembly request and in connection with the Programme of Action for the Second Decade, prepared model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination. The Committee considered the draft model legislation at its fortieth session and decided that further consideration be given to the draft at its forty-first session. To facilitate this, a working group was designated to take into account the views expressed on the draft by members of the Committee with a view to proposing revisions in the draft model legislation.

Also at its fortieth session, the Committee considered the question of a third decade to combat racism and racial discrimination and requested that a paper by one of its members on the subject be revised and reconsidered at its forty-first session.

For its consideration of this item at its forty-first session, the Committee will have before it the following documents:

(a) General Assembly resolution 46/85 and Commission on Human Rights resolution 1992/8 on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination;

(b) Report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/CN.4/1992/39);

(c) The report of the Meeting of Experts held at Nuuk, Greenland (E/CN.4/1992/42 and Add.1).

11. Preparatory activities relating to the World Conference on Human Rights

Under this item, the Committee will receive an oral briefing on the first and second sessions of the Preparatory Committee for the World Conference from one of its members who represented the Committee at those sessions. Additionally, the Committee may wish to consider further contributions to the preparatory process, in particular to the third session of the Preparatory Committee which is scheduled to take place at Geneva in September 1992.

For its consideration of this item at its forty-first session, the Committee will have before it the following documents:

(a) Report of the Preparatory Committee for the World Conference on Human Rights on its first and second sessions (A/CONF.157/PC/13 and 37);

(b) General Assembly resolution 46/116 and Commission on Human Rights resolution 1992/37 on the World Conference for Human Rights.

12. Report of the Committee to the General Assembly at its forty-seventh session under article 9, paragraph 2, of the Convention

In accordance with article 9, paragraph 2, of the Convention, the Committee is to submit, through the Secretary-General, an annual report to the General Assembly. The 1992 report to the forty-seventh session of the Assembly is to cover the activities of the Committee at its forty-first session.